

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	S4 10 Cr. 162 (KMW)
- against -	:	<b>NOTICE OF MOTION IN</b>
SABIRHAN HASANOFF, et al.,	:	<b>SUPPORT OF DEFENDANT</b>
	:	<b>SABIRHAN HASANOFF'S</b>
	:	<b><u>PRE-TRIAL MOTIONS</u></b>
Defendant.	:	
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**PLEASE TAKE NOTICE**, that upon the annexed Declaration of Joshua L. Dratel, Esq., and all prior papers and proceedings herein, the defendant, SABIRHAN HASANOFF, will move before the Honorable Kimba M. Wood, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, at a time and date to be set by the Court, or as soon thereafter as counsel may be heard, for the following relief:

- (a) to dismiss Count Two of the Indictment because it fails to state an offense under 18 U.S.C. §2339B, as the Indictment fails to allege two essential elements of the offense – (i) that the “material support” was provided to a foreign terrorist organization (hereinafter “FTO”); and (ii) that Mr. Hasanoff knew the alleged material support was provided to assist an FTO – and/or because §2339B is unconstitutionally vague as applied in this case;
- (b) to modify Count One by removing the term “physical assets” because it is not included within the statutory definition of “material support” and/or because 18 U.S.C. §2339B is unconstitutionally vague as applied in this case;
- (c) to compel the government to elect among Counts One, Two, Three, and Four, on the ground of multiplicity, in that they allege a single offense in multiple counts;

(d) for leave to join in his co-defendant's motions to the extent they inure to his benefit; and

for any such other and further relief as to the Court seems just and proper.

Dated: New York, New York  
3 June 2011

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To: CLERK OF THE COURT

UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF NEW YORK

ALL DEFENSE COUNSEL